

ZB# 01-13

Angelo Merced

41-3-32

Prelim.

Apr. 23, 2001

4/23/01 Applicant has paperwork

Public Hearing:

May 14, 2001.

Granted

Refund: \$247.00

01-13. Merced, Angelo & Margaret
Area (Shed) 41-3-32



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Merced

FILE# 01-13

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid ck #
5/1/01 507
paid ck.
#508
5/1/01.*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 4/23/01 - 2 \$ 9.00
2ND PRELIMINARY- PER PAGE 5/14/01 \$ 9.00
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 18.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 4/23/01 \$ _____
2ND PRELIM. 5/14/01 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 35.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 5300

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT .. 47.00

*new address:
4 Centurion Court
Newb.*

Date 5/23/01,

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Margaret Merced. DR.

14 Lillian Place, N.W.

[illegible]

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#397-2001

05/02/2001

01-13

Merced, Angelo
14 Lillian Place
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 05/02/2001. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ANGELO MERCED
MARGARET MERCED
14 LILLIAN PLACE
NEW WINDSOR, NY 12553

508

90-7131/2219

Date 5-17-01

Pay to the
order of

Town of New
Three hundred dollars

\$ 300⁰⁰

Dollars

WALDEN SAVINGS BANK
NEW WINDSOR OFFICE
213 MASSAUCK AVE.
NEW WINDSOR, NY 12553

For 25A * 01-13

[Signature]

1221971316106 08 8006901 0508

© 2001 WALDEN BANK SAFETY CHECK

ANGELQ MERCED
MARGARET MERCED
14 DEJAN PLACE
NEW WINDSOR, NY 12553

507

50-7131/2219

Date 5-1-01

Pay to the
order of

Town of W

\$ 50.00

Dollars



WALDEN SAVINGS BANK
NEW WINDSOR OFFICE
219 MASSACHUSETTS AVE
NEW WINDSOR, NY 12553

For 200 #01-13

Margaret Mercet

⑆221971316⑆06 08 000690⑆ 0507

-----X
In the Matter of the Application of

ANGELO MERCED

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#01-13.
-----X

WHEREAS, ANGELO MERCED, residing at 14 Lillian Place, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for a 6 ft. rear yard variance to allow an existing shed at the above single-family residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 14th day of May, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of himself for this Application;
and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in an R-4 zone neighborhood containing one-family homes.

(b) The shed has been erected and has existed for approximately 2 years during which time there have been no complaints either formal or informal. The shed is so situated in the optimum location on the property that there is another shed right behind it on the neighboring property.

- (c) There is also a pool located on the property making location of the shed in conformance of the Zoning Code difficult.
- (d) The shed is not located on any water or sewer easement.
- (e) The shed is not located on top of any well or septic systems.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 6 ft. rear yard variance for an existing shed at the above address, in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: December 17, 2001.

Lawrence W. Torley

Chairman

MERCED, ANGELO

MR. TORLEY: Request for 6 ft. rear yard variance for existing shed at 14 Lillian Place in an R-4 zone.

Mr. Angelo Merced appeared before the board for this proposal.

MR. TORLEY: Again, is there anyone in the audience who wishes to speak on this matter? Let the record show there is none.

MS. CORSETTI: For the record, we sent out 60 notices on May 3 on this particular application.

MR. TORLEY: Beautiful day when you took those photographs.

MR. KANE: How long has the shed been existing?

MR. MERCED: About two years now.

MR. MC DONALD: Any complaints about the shed's location, how it looks, anything like that?

MR. MERCED: No, actually, we chose that location because right behind, there's a shed there and both neighbors in back of me had these compost piles, so if the thinking was cosmetic, I put the shed there.

MR. KANE: So, no complaints formal or informal?

MR. MERCED: No.

MR. TORLEY: You show a pool in the back yard, so really it would be difficult for the shed, there's no other place because of the presence of the pool?

MR. MERCED: Right, we had someone come in and price it out and what we determined it was just to take that out from the location that it's at really would tear up the yard and make more of a mess than anything else to get it moved.

MR. KANE: Create any water hazards or runoff in the

building of the shed?

MR. MERCED: No.

MR. REIS: What brings you to the ZBA?

MR. MERCED: I need a variance, we plan on selling the house.

MR. TORLEY: If you had to move the shed, thereby tear up the yard, you'd decrease the value of the house?

MR. MERCED: Yes.

MR. KANE: Not over any sewer or water lines?

MR. MERCED: No.

MR. TORLEY: Well and septic?

MR. MERCED: I've got public utilities.

MR. TORLEY: It's not, did you ask about the water?

MR. KANE: Yes.

MR. KANE: I move that we approve the application by Angelo Merced for a 6 foot rear yard variance at 14 Lillian Place.

MR. MC DONALD: Second it.

ROLL CALL

MR. KANE	AYE
MR. MCDONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE

MR. TORLEY: Before we move on, is a Mr. Byron Thomas in the audience? That being the case, we'll now move on to our next public hearing, the Bila Family Partnership's request.

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 4/4/01

APPLICANT: Angelo & Margaret Merced
14 Lillian Place
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 3/23/01

FOR : Angelo & Margaret Merced

LOCATED AT: 14 Lillian Place

ZONE: Sec/ Blk/ Lot: 41-3-32

DESCRIPTION OF EXISTING SITE: Existing shed 4ft from property line

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-14, A(1b) Accessory Buildings

1. Such Buildings shall be setback 10ft from any property line. Existing shed is 4ft from rear property line.

COPY


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: USE: Accessory Building

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 10ft

4ft

6ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE. W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
.. IMPORTANT ..
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plumbing drawings to be completed at this time. Well water test required and engineer's certification letter for septic system required.

RECEIVED

MAR 23 2001

BUILDING DEPARTMENT

7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:

Building Permit #: 2001-0200

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Angelo + Margaret Merceal
Address 14 Lillian Pl N.W Phone 565-3990
Mailing Address SAME
Name of Architect _____
Address _____ Phone _____
Name of Contractor _____
Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of 14 Lillian Pl
(N,S,E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section _____ Block _____ Lot _____

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Shed b. Intended use and occupancy _____

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒

6. Is this a corner lot? _____

existing Shed

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

PAID

10. Estimated cost _____ Fee _____

50.00
Cash
3-23-01

3 1 1 9 1 0 1
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Margaret Merced
(Signature of Applicant)

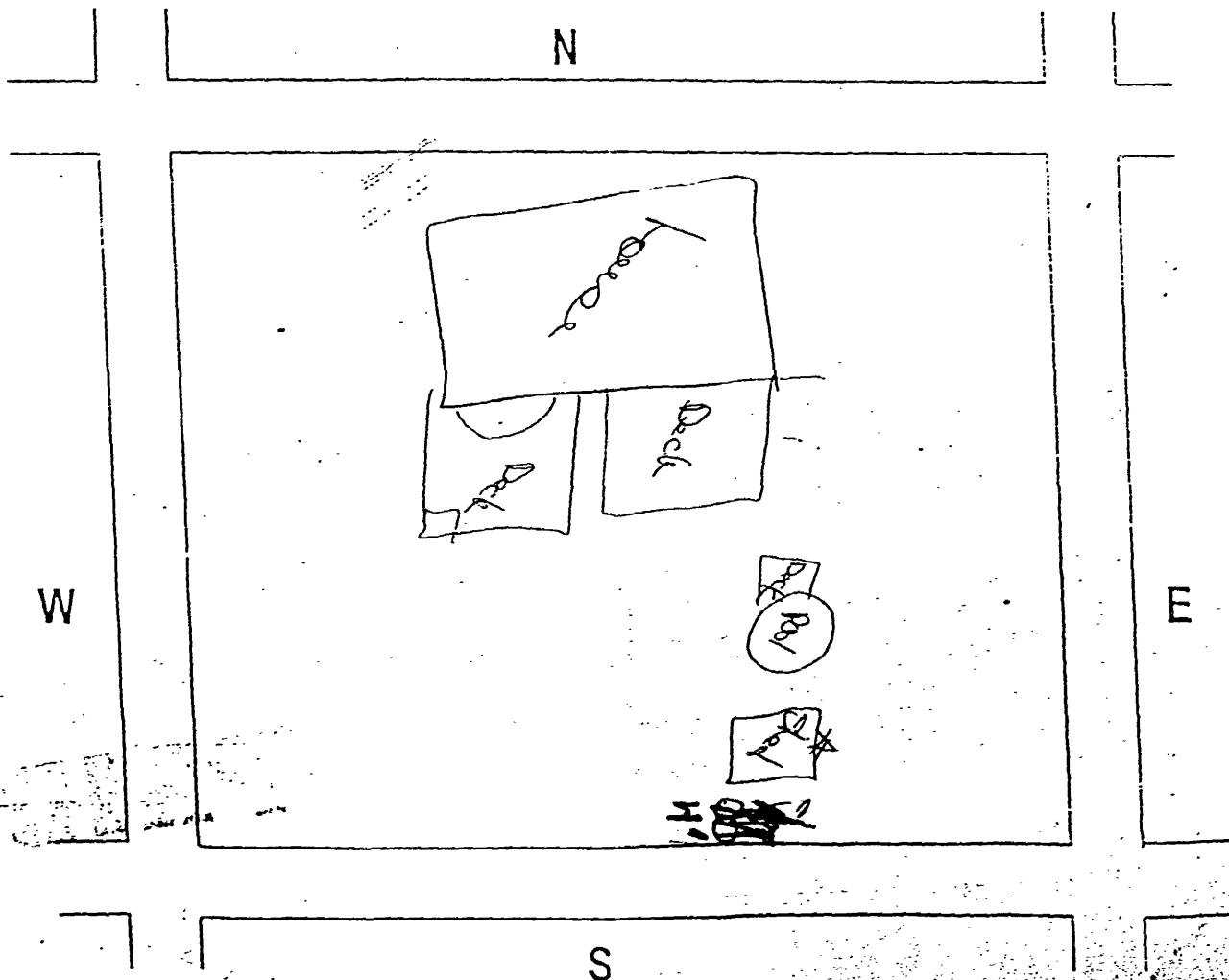
14 Lillian Pl
(Address of Applicant)

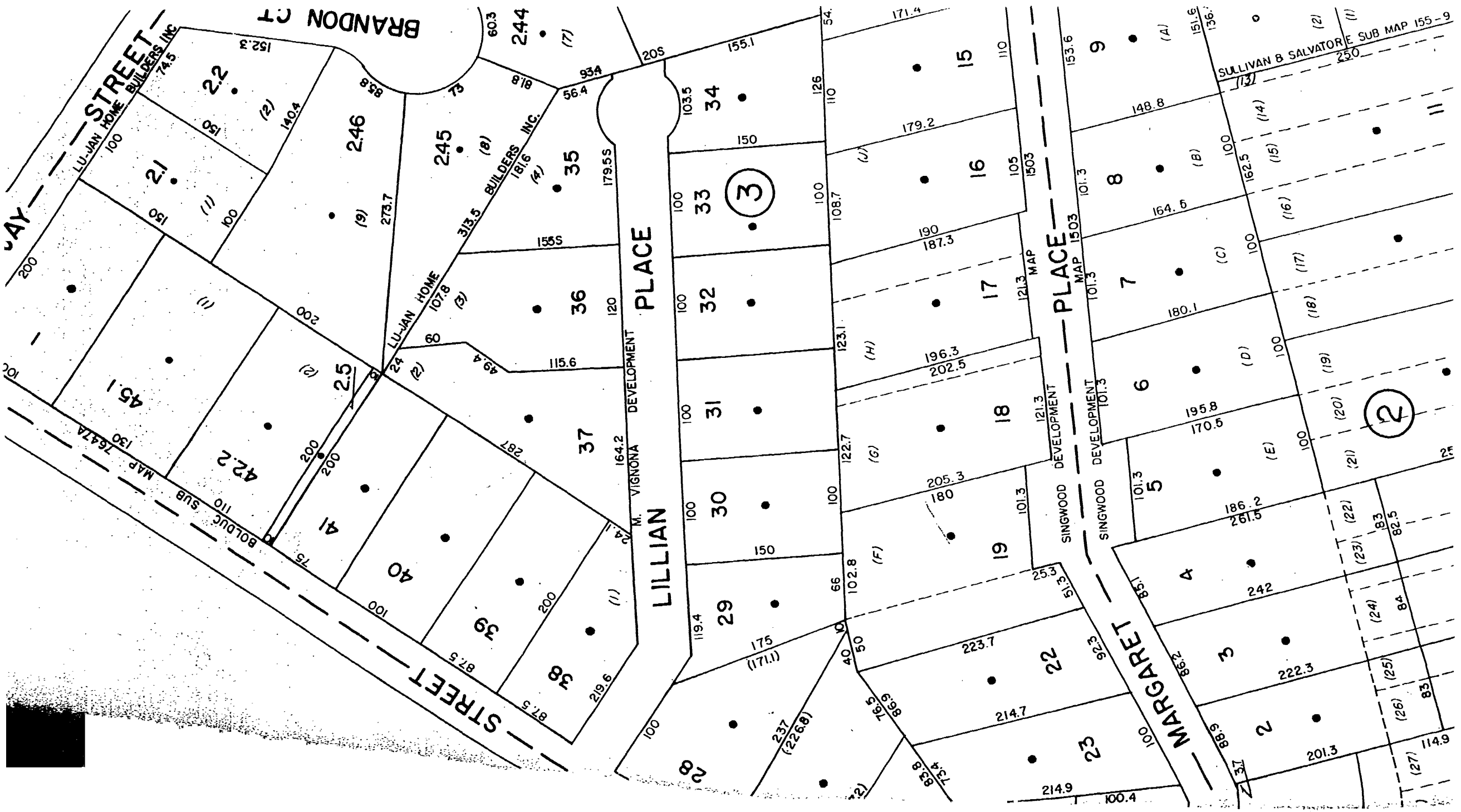
Margaret Merced
(Owner's Signature)

14 Lillian Pl
(Owner's Address)

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





Date 5/23/01.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Margaret Merced. DR.
14 Lillian Place, N.Y.

B		CLAIMED	ALLOWED
4/1	Refund of Escrow Dep. - # 01-13.	\$247.00	
Patricia A. Corsetti			

6/1/01 - Larry: New address.
If you didn't send this check
out, pls. use this address.

Thank you

Q.

4 Centurion Ct.
Newb. 12550 ✓

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

In the Matter of the Application for Variance of

**AFFIDAVIT OF
SERVICE
BY MAIL**

Margaret Merced

B1-13.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 3rd day of May, 2001, I compared the 60 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

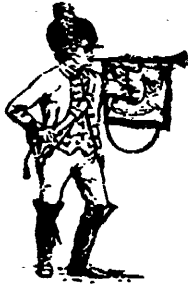
Patricia A. Corseth

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

April 12, 2001

60

Margaret Marced
14 Lillian Place
New Windsor, NY 12553

Re: 41-3-32


Dear Mrs. Merced,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,


Leslie Cook
Sole Assessor

LC/bw

CC: Pat Corsetti, ZBA

40-3-6
Toni Marie Pfeuffer & John Ahearn
37 Cross Street
New Windsor, NY 12553

41-2-5
Ronald Fabrizio
8 Margaret Pl.
New Windsor, NY 12553

41-3-2.1
Edna & Arnold Zubalsky
20 Jay Street
New Windsor, NY 12553

40-3-7
Josefa & Jesus Hernandez
35 Cross Street
New Windsor, NY 12553

41-2-6
Rhonda & Clifford Murray Sr.
10 Margaret Pl.
New Windsor, NY 12553

41-3-2.2
Roseanne & George Meyers
2 Brandon Ct.
New Windsor, NY 12553

40-3-9
Marie Davis
33 Cross Street
New Windsor, NY 12553

41-2-7
Phyllis & Joseph Eastland
12 Margaret Pl.
New Windsor, NY 12553

41-3-2.3
Douglas Peterson
1 Brandon Ct.
New Windsor, NY 12553

40-3-10
Joan & Thomas McMahon
31 Cross Street
New Windsor, NY 12553

41-2-8
Eileen & Howard Ross
14 Margaret Pl.
New Windsor, NY 12553

41-3-2.42
Josephine & Habib Massari
3 Brandon Ct.
New Windsor, NY 12553

40-3-11
Anna & Angelo Alessi
29 Cross Street
New Windsor, NY 12553

41-2-9
Nicholas Cerone
16 Margaret Pl.
New Windsor, NY 12553

41-3-2.43
Robert Butta & Rosalie Diaz
5 Brandon Court
New Windsor, NY 12553

40-3-14 ; 40-3-15
Virginia Cimorelli
25 Cross Street
New Windsor, NY 12553

41-2-10.2
Adele & Bert Traficiente
7 Singwood Drive
New Windsor, NY 12553

Joyce Patricia & Russell Zale
7 Brandon Ct.
New Windsor, NY 12553

40-3-16
Ida & Jose Benitez
23 Cross Street
New Windsor, NY 12553

41-2-11
Diane Rogers
62 Blooming Grove Turnpike
New Windsor, NY 12553

41-3-2.45
George & Lisa Rodriguez
6 Brandon Court
New Windsor, NY 12553

41-2-2
Dolores & Thomas Hanretta
2 Margaret Place
New Windsor, NY 12553

41-2-12
Mary Ann & Kevin Murphy
72 Blooming Grove Tpke
New Windsor, NY 12553

41-3-2.46
Edward Ferguson
1 Brandon Court
New Windsor, NY 12553

41-2-3
Roseann & Guy Dispigna
4 Margaret Pl.
New Windsor, NY 12553

41-2-14
Jacqueline & Robert Malone
74 Blooming Grove Tpke
New Windsor, NY 12553

41-3-2.5
Russell & Regina Gandt
38 Cross Street
New Windsor, NY 12553

41-2-4
Kristine & David Ambrosini
6 Margaret Pl.
New Windsor, NY 12553

41-3-1
Anthony Billesimo & Kathleen Hedlund
46 Cross Street
New Windsor, NY 12553

41-3-3
Walter & Jeanne Millman
38 Blooming Grove Tpke
New Windsor, NY 12553

41-3-8
Michael & Nettie Pace
2 Allen Place
New Windsor, NY 12553 X

41-3-23
Frances & Carmen Marino
1 Margaret Place
New Windsor, NY 12553 X

41-3-34
Pamela & Dean Colotti
18 Lillian Place
New Windsor, NY 12553 X

41-3-11
Kenneth & Lillian Devine
P.O. Box 4730
New Windsor, NY 12553 X

41-3-24
Lisa Barry Knight & Joseph Knight
16 Cross Street
New Windsor, NY 12553 X

41-3-35
Denise & John Patterson
13 Lillian Place
New Windsor, NY 12553 X

41-3-12
Christopher & Pamela Fitch
Arthur and Dolores Fitch
3 Allen Place
New Windsor, NY 12553 X

41-3-25
Glissette & Freddy Pineda
18 Cross Street
New Windsor, NY 12553 X

41-3-36
Louise & Domenick Colloti
11 Lillian Place
New Windsor, NY 12553 X

41-3-13
Patricia Hamernik
1 Allen Place
New Windsor, NY 12553 X

41-3-26
Terry Langlois
22 Cross Street
New Windsor, NY 12553 X

41-3-37
Salvatrice & Salvatore Cocchia
9 Lillian Place
New Windsor, NY 12553 X

41-3-14 41-3-15
Arthur & Dolores Quick
13 Margaret Place
New Windsor, NY 12553 X

41-3-27
Carmela & Joseph Bordonaro
24 Cross Street
New Windsor, NY 12553 X

41-3-38
Evelyn & Holger Holt
32 Cross Street
New Windsor, NY 12553 X

41-3-16
Richard & Beth Fiore
11 Margaret Place
New Windsor, NY 12553 X

41-3-28
Virginia & Anthony Martini
26 Cross Street
New Windsor, NY 12553 X

41-3-39
Evelyn & William Lampack
34 Cross Street
New Windsor, NY 12553 X

41-3-17
Alice Grube
9 Margaret Place
New Windsor, NY 12553 X

41-3-29
Barbara & Michael McNally
8 Lillian Place
New Windsor, NY 12553 X

41-3-40
Mildred & George Dittbrenner
36 Cross Street
New Windsor, NY 12553 X

41-3-18
Ronald & Helen Fabrizio
7 Margaret Place
New Windsor, NY 12553 X

41-3-30
Teresa & Michael Pagano
10 Lillian Place
New Windsor, NY 12553 X

41-3-41
Regina & Russell Gandt
38 Cross Street
New Windsor, NY 12553 X

41-3-19
Joann Fusco
5 Margaret Place
New Windsor, NY 12553 X

41-3-31
Rosella & Thomas Bean
12 Lillian Place
New Windsor, NY 12553 X

41-3-42.2
Helen & Joseph Miller
40 Cross Street
New Windsor, NY 12553 X

41-3-22
Irene & Victor Livingstone
3 Margaret Place
New Windsor, NY 12553 X

41-3-33
Patricia & Howard Iko
16 Lillian Place
New Windsor, NY 12553 X

41-3-45.1
Linda & Kevin McCaffrey
44 Cross Street
New Windsor, NY 12553 X

Date4/27/01....., 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
4/23/01		Zoning Board Mtg	75	00
		Misc. - 2		
		Mans, C.P. - 6		
		Piered. - 2 9.00		
		Waldo - 2		
		Boats - 5		
		Langer - 2	85	50
		19		
			160	50

MERCED, ANGELO AND MARGARET

MR. TORLEY: Request for 6 ft. rear yard variance for existing shed at 14 Lillian Place in an R-4 zone.

Mr. Angelo Merced appeared before the board for this proposal.

MR. MERCED: We're selling a house and we have a shed that's about 4 feet away from the property behind us, just looking for a variance.

MR. TORLEY: Is it possible for you to move the shed?

MR. MERCED: I looked into it and just very expensive to get it moved.

MR. TORLEY: Trying to save you some money and time.

MR. KANE: Concrete pad?

MR. MERCED: There are concrete pillars.

MR. KANE: How long has the shed been existing?

MR. MERCED: Maybe two years.

MR. KANE: In the building of the shed, any water hazards or anything like that?

MR. MERCED: No.

MR. KANE: Other houses in the area have sheds similar to that?

MR. MERCED: Yes, right behind me, as a matter of fact, there's one.

MR. REIS: No complaints by your neighbors or anything like that?

MR. MERCED: No.

MR. TORLEY: The board does everything, all of our motions and findings are to be by public hearing, so we

April 23, 2001

9

do a preliminary meeting so you know what's going on and we know what you're trying to do, so there's no surprises when you decide to do the public hearing.

MR. KANE: If you can bring some photographs of the property and your shed when you come for the public hearing, thank you.

MR. MERCED: Thank you.

MR. REIS: Make a motion that we set up Mr. Merced for his requested variance for a public hearing.

MR. KANE: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. TORLEY: Be prepared what to speak on what the economic hardships would be for it to comply within the zoning code.

Pls. publish immediately. Send bill to Applicant @ below address.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 13

Request of Margaret + Angelo Merced

for a VARIANCE of the Zoning Local Law to Permit:

existing shed w/ less than the allowable rear yard;

being a VARIANCE of Section 48-12-Table of Bulk Req.- Tol. G

for property situated as follows:

14 Lillian Place, New Windsor

known and designated as tax map Section 41, Blk. 3 Lot 32.

PUBLIC HEARING will take place on the 14th day of May, 2001, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-13

Date: 01/05/01

I. ✓ Applicant Information:

- (a) Margaret & Angelo Merced 14 Lillian Pl. New Windsor
(Name, address and phone of Applicant) (Owner)
- (b) Paulotta Delray King 14007, NY
(Name, address and phone of purchaser or lessee)
- (c) Richard Schisano 3250 Rt 9W New Windsor 562-9020
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

✓III. Property Information:

- (a) 14 Lillian Pl. 41-3-32
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes.
- (d) When was property purchased by present owner? Oct 1990.
- (e) Has property been subdivided previously? no.
- (f) Has property been subject of variance previously? no.
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? no.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: Shed - in existence

IV. Use Variance. ✓/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No _____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	6 FT
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

It is a shed which has existed for two
years - neighbor stated light leaked out - no
harm is being caused by this structure

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

SHRD is secured with pad lock.

IX. Attachments required:

- _____ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
_____ Copy of tax map showing adjacent properties.
_____ Copy of contract of sale, lease or franchise agreement.
_____ Copy of deed and title policy.
_____ Copy(ies) of site plan or survey showing the size and
location of the lot, the location of all buildings,
facilities, utilities, access drives, parking areas,
trees, landscaping, fencing, screening, signs, curbs,
paving and streets within 200 ft. of the lot in question.
_____ Copy(ies) of sign(s) with dimensions and location.
_____ Two (2) checks, one in the amount of \$ 50.00 and the second
check in the amount of \$ 300.00, each payable to the TOWN
OF NEW WINDSOR.
_____ Photographs of existing premises from several angles.

X. Affidavit.

Date: _____

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

(Applicant

Sworn to before me this

_____ day of _____, 19____.

XI. ZBA Action:

(a) Public Hearing date: _____

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYER

THIS INDENTURE, made the 25th day of October, nineteen hundred and ninety
BETWEEN

LISA TURNER, residing at 103 Silver Stream Oval,
New Windsor, Orange County, New York 12553

as ~~XXXXXX~~ of
executrix

the last will and test

GERALDINE CARFORA

who died on the 14th day of August, nineteen hundred and eighty-nine
party of the first part, and

ANGELO MERCED and MARGARET MERCED, residing at
338 Princeton Avenue, Jersey City, New Jersey 07305

party of the second part,

WITNESSETH, that the party of the first part, to whom
testamentary were issued by the Surrogate's Court, Orange County, N.
on August 23, 1989 and by virtue of the power and authority given in and by said
and testament, and/or by Article 11 of the Estates, Powers and Trusts Law, and in consideration of

ONE HUNDRED TWENTY EIGHT THOUSAND AND 00/100-----
paid by the party of the second part, does hereby g
release unto the party of the second part, the distributees or successors and assigns of the party of th
part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected
lying and being ~~in the~~

14 LILLIAN PLACE
NEW WINDSOR, ORANGE COUNTY
NEW YORK 12550

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SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF

LIBER 3367 PAGE